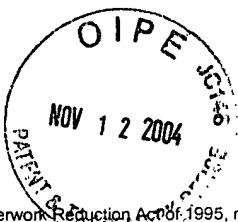


11-15-04

RCE/3727  
JMW

PTO/SB/30 (5/2000)

Approved for use through xx/xx/xxxx. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

<b>Application Number</b>	<b>10/085,343</b>
<b>Filing Date</b>	<b>02/28/2002</b>
<b>First Named Inventor</b>	<b>Jeffrey J. Gratz</b>
<b>Group Art Unit</b>	<b>3727</b>
<b>Examiner Name</b>	<b>Tri M. Mai</b>
<b>Attorney Docket Number</b>	<b>273.018</b>

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RTE practice.

**1. Submission required under 37 C.F.R. § 1.114**

- a.  Previously submitted
  - i.  Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on October 12, 2004  
(Any unentered amendment(s) referred to above will be entered).
  - ii.  Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
  - iii. Other \_\_\_\_\_
- b.  Enclosed
  - i.  Amendment/Reply
  - ii.  Affidavit(s)/Declaration(s)
  - iii.  Information Disclosure Statement (IDS)
  - iv.  Other \_\_\_\_\_

**2. Miscellaneous**

- a.  Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(l) required)
- b.  Other \_\_\_\_\_

**3. Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a.  The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 05-1170
  - i.  RCE fee required under 37 C.F.R. § 1.17(e)
  - ii.  One Month Extension of time fee (37 C.F.R. §§ 1.136 and 1.17) (small entity)
  - iii.  Other \_\_\_\_\_
- b.  Check in the amount of \$ 395.00 enclosed.
- c. Payment by credit card (Form PTO-2038 enclosed)

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	PETER C. STOMMA	Registration No. (Attorney/Agent)	36,020
Signature		Date	November 12, 2004

**CERTIFICATE OF EXPRESS MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service, with sufficient postage, as EXPRESS MAIL - POST OFFICE ADDRESSEE, in an envelope addressed to: Mail Stop - Box RCE - Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22312-1450 on the 12th day of November, 2004. The Express Label is EV339661674US.

Name (Print/Type)	Christine Kierzek		
Signature		Date	November 12, 2004

Page 1 of 1



## Certification Under 37 CFR 1.10

Express Mail Label No: EV3396616741US

Date of Deposit: November 12, 2004

I hereby certify that this paper and/or fee is being deposited with the United States Postal Service in "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Mail Stop – Box RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Christine Kierzek  
Christine Kierzek

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<b>FEE TRANSMITTAL</b> <b>for FY 2004</b> <small>Patent fees are subject to annual revision.</small>		<b>Complete if Known</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Application Number</td> <td>10/085,343</td> </tr> <tr> <td>Filing Date</td> <td>02/28/2002</td> </tr> <tr> <td>First Named Inventor</td> <td>Jeffrey J. Gratz</td> </tr> <tr> <td>Examiner Name</td> <td>Tri M. Mai</td> </tr> <tr> <td>Group Art Unit</td> <td>3727</td> </tr> <tr> <td>Attorney Docket No.</td> <td>273.018</td> </tr> </table>		Application Number	10/085,343	Filing Date	02/28/2002	First Named Inventor	Jeffrey J. Gratz	Examiner Name	Tri M. Mai	Group Art Unit	3727	Attorney Docket No.	273.018																																																																											
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<b>METHOD OF PAYMENT (check all that apply)</b> <p> <input checked="" type="checkbox"/> Check   <input type="checkbox"/> Credit card   <input type="checkbox"/> Money Order   <input type="checkbox"/> Other   <input type="checkbox"/> None  <input checked="" type="checkbox"/> Applicant Claims Small Entity status. See 37 CFR 1.27  <input type="checkbox"/> Deposit Account       </p>		<b>FEE CALCULATION (continued)</b>																																																																																								
<p>50-1170</p> <p>Boyle, Fredrickson, Newholm, Stein &amp; Gratz S.C.</p> <p>The Commissioner is authorized to: (check all that apply)</p> <p><input type="checkbox"/> Charge fee(s) indicated below   <input checked="" type="checkbox"/> Credit any overpayments  <input checked="" type="checkbox"/> Charge any additional fee(s) during the pendency of this application  <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.</p>		<b>3. ADDITIONAL FEES</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;">Large Entity</th> <th style="width: 30%;">Small Entity</th> <th style="width: 40%;">Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205 65 Surcharge – late filing fee or oath</td></tr> <tr><td>127</td><td>50</td><td>227 25 Surcharge – late provisional filing fee or cover sheet</td></tr> <tr><td>139</td><td>130</td><td>139 130 Non-English specification</td></tr> <tr><td>147</td><td>2,520</td><td>147 2,520 For filing a request for ex parte reexamination</td></tr> <tr><td>112</td><td>920*</td><td>112 920* Requesting publication of SIR prior to Examiner action</td></tr> <tr><td>113</td><td>1,840*</td><td>113 1,840* Requesting publication of SIR after Examiner action</td></tr> <tr><td>115</td><td>110</td><td>215 55 Extension for reply within first month</td></tr> <tr><td>116</td><td>420</td><td>216 200 Extension for reply within second month</td></tr> <tr><td>117</td><td>920</td><td>217 460 Extension for reply within third month</td></tr> <tr><td>118</td><td>1,440</td><td>218 720 Extension for reply within fourth month</td></tr> <tr><td>128</td><td>1,960</td><td>228 980 Extension for reply within fifth month</td></tr> <tr><td>119</td><td>320</td><td>219 160 Notice of Appeal</td></tr> <tr><td>120</td><td>320</td><td>220 160 Filing a brief in support of an appeal</td></tr> <tr><td>121</td><td>280</td><td>221 140 Request for oral hearing</td></tr> <tr><td>138</td><td>1,510</td><td>138 1,510 Petition to institute a public use proceeding</td></tr> <tr><td>140</td><td>110</td><td>240 55 Petition to revive – unavoidable</td></tr> <tr><td>141</td><td>1,280</td><td>241 640 Petition to revive – unintentional</td></tr> <tr><td>142</td><td>1,280</td><td>242 640 Utility issue fee (or reissue)</td></tr> <tr><td>143</td><td>460</td><td>243 230 Design issue fee</td></tr> <tr><td>144</td><td>620</td><td>244 310 Plant issue fee</td></tr> <tr><td>122</td><td>130</td><td>122 130 Petitions to the Commissioner</td></tr> <tr><td>123</td><td>50</td><td>123 50 Processing fee under 37 CFR 1.17(q)</td></tr> <tr><td>126</td><td>180</td><td>126 180 Submission of Information Disclosure Stmt</td></tr> <tr><td>581</td><td>40</td><td>581 40 Recording each patent assignment per property (times number of properties)</td></tr> <tr><td>146</td><td>740</td><td>246 370 Filing a submission after final rejection (37 CFR § 1.129(a))</td></tr> <tr><td>149</td><td>740</td><td>249 370 For each additional invention to be examined (37 CFR § 1.129(b))</td></tr> <tr><td>179</td><td>790</td><td>279 395 Request for Continued Examination (RCE)</td></tr> <tr><td>169</td><td>900</td><td>169 900 Request for expedited examination of a design application</td></tr> </tbody> </table>		Large Entity	Small Entity	Fee Paid	105	130	205 65 Surcharge – late filing fee or oath	127	50	227 25 Surcharge – late provisional filing fee or cover sheet	139	130	139 130 Non-English specification	147	2,520	147 2,520 For filing a request for ex parte reexamination	112	920*	112 920* Requesting publication of SIR prior to Examiner action	113	1,840*	113 1,840* Requesting publication of SIR after Examiner action	115	110	215 55 Extension for reply within first month	116	420	216 200 Extension for reply within second month	117	920	217 460 Extension for reply within third month	118	1,440	218 720 Extension for reply within fourth month	128	1,960	228 980 Extension for reply within fifth month	119	320	219 160 Notice of Appeal	120	320	220 160 Filing a brief in support of an appeal	121	280	221 140 Request for oral hearing	138	1,510	138 1,510 Petition to institute a public use proceeding	140	110	240 55 Petition to revive – unavoidable	141	1,280	241 640 Petition to revive – unintentional	142	1,280	242 640 Utility issue fee (or reissue)	143	460	243 230 Design issue fee	144	620	244 310 Plant issue fee	122	130	122 130 Petitions to the Commissioner	123	50	123 50 Processing fee under 37 CFR 1.17(q)	126	180	126 180 Submission of Information Disclosure Stmt	581	40	581 40 Recording each patent assignment per property (times number of properties)	146	740	246 370 Filing a submission after final rejection (37 CFR § 1.129(a))	149	740	249 370 For each additional invention to be examined (37 CFR § 1.129(b))	179	790	279 395 Request for Continued Examination (RCE)	169	900	169 900 Request for expedited examination of a design application
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**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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